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UNCLAS SECTION 01 OF 03 TAIPEI 004796

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E.O. 12958: N/A

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SUBJECT: TAIWAN TRAFFICKING IN PERSONS CONFERENCE:
PRODUCTIVE TALK, HOPE FOR MORE ACTION

1. Summary: Taiwan recently hosted an international conference on combating human trafficking which included representatives from law enforcement, government, NGOs, and academia. Taiwan, downgraded from Tier 1 to Tier 2 in the Department's 2005 Trafficking in Persons (TIP) Report, indicated that human trafficking is a relatively new yet increasingly critical problem, and acknowledged that more must be achieved, particularly with regard to implementing legislation. Local participants in the U.S. government-funded conference were appreciative of the opportunity to discuss issues with their international counterparts, and several emphasized that the unique cross-Strait situation has complicated Taiwan's efforts to eliminate trafficking of persons into Taiwan. End Summary.

Overview

2. On November 28-30, 2005, Taiwan NGO Garden of Hope Foundation and Washington, D.C.-based NGO Vital Voices Global Partnership hosted an international conference on "Strategies for Combating Human Trafficking from Southeast Asia to Taiwan." More than 100 people from Taiwan, the U.S., Australia and Southeast Asian countries attended the AIT-funded conference and participated in workshops on distinguishing and assisting trafficked victims, increasing public awareness, and legal approaches to anti-trafficking. Following are highlights of the conference.

AIT Welcoming Remarks

3. AIT Deputy Director laid out U.S. concerns to conference participants in his welcoming remarks, noting the 2000 U.S. Trafficking Victims Protection Act and the Bush administration's continued efforts to strengthen U.S. anti-trafficking activities and legislation. He noted that the Department's TIP Report has been a major channel through which the U.S. has been able to carry on useful dialogues with countries around the world and has been the impetus for serious action by the U.S. and other countries. He praised Taiwan's progress and efforts in combating human trafficking, particularly in intercepting criminal syndicates responsible for trafficking from Mainland China, Thailand, Cambodia, and Vietnam. Finally, the Deputy Director urged Taiwan to do more by instituting a comprehensive trafficking law to ensure greater preventive measures and victim protection, and he reiterated the U.S. commitment to working with Taiwan on this very serious issue.

Keynote Speech by Vice President Lu

4. In her keynote address, Taiwan Vice President Annette Lu stated that human trafficking has become an increasingly important problem in Taiwan, largely because of frequent exchanges across the Taiwan Strait and loopholes in the regulation of these exchanges which human traffickers exploit. She cited Interior Ministry statistics reporting over 8,000 arrests of illegal immigrants between 2001 and 2004. Some 5,000 of these were women, 44 percent of whom were involved in the sex trade. Vice President Lu called for greater efforts and cooperation to solve the problem of human trafficking in the region.

Human Trafficking from Mainland China to Taiwan

5. Noting that the U.S. 2005 TIP report had downgraded Taiwan from Tier 1 to Tier 2, Taiwan Mainland Affairs Council Chairman Joseph Wu acknowledged that trafficking victims in Taiwan do not have adequate protection. Wu, however, argued that the 2005 TIP report failed to take into account national differences, pointing out that many smaller countries, such as Singapore, Japan and Taiwan, are in Tier 2, while larger countries like Canada and Australia are in Tier 1. Wu stated that he thinks U.S. standards for the report are too high and do not take into consideration the unique cross-straits situation. Mainland China, he explained, has refused to work with Taiwan on the human trafficking issue even though China has cooperated with other countries on this issue. Taiwan, thus, is itself "a victim of Mainland China," Wu argued. He acknowledged that greater inter-agency cooperation is needed in Taiwan, but pointed out that although Taiwan has no formal

anti-human trafficking laws yet, penalties for trafficking-related activities have been increased. Regarding the repatriation issue, Wu indicated that although Taiwan signed the Jinmen Accords with Mainland China, China has not been accepting victims back as had been agreed. Taiwan, therefore, has been "stuck" because of Mainland China's unwillingness to cooperate or negotiate.

Policy and Law in Countering Human Trafficking

16. G/TIP Senior Coordinator Mark Taylor discussed the problems of defining trafficking in persons and the forms of trafficking in Asia. He stressed that the definition of trafficking does not depend on movement across borders since many victims are exploited within their own home country. Taylor indicated that Asia is the leading source of victims brought to the U.S., particular with regards to forced labor activity. He also discussed the issue of invisible coercion and stressed the need for laws to address these subtle forms of coercion.

17. Legislative Yuan (LY) member Bikhim Hsiao spoke at length about her efforts to pass legislation to counter human trafficking. She noted that the August 21 Thailand worker revolt in Kaohsiung had forced the Taiwan authorities to focus on foreign guest worker issues and brought about modifications in Taiwan's immigration law. While the Thai workers had garnered a lot of public sympathy, she noted, PRC victims do not garner the same reaction due to Taiwan's complicated and political relationship with the Mainland. Hsiao described China's relationship with Taiwan as "hostile" and lamented that Taiwan has no access to the Chinese legal system, and no direct communication with the mainland that could facilitate repatriating victims in a more timely fashion. Beijing, she insinuated, is not in a hurry to welcome its victims home from Taiwan. Legislator Hsiao also mentioned Taiwan's isolation from the greater international community, noting that Taiwan had been omitted from the 2000 UN Protocol on Human Trafficking. She expressed appreciation to the U.S. for passing relevant information gathered at international conferences to Taiwan and stressed that the present conference was very important since it was being held in Taiwan.

18. Regarding legislation, Legislator Hsiao said that in terms of the "3 Ps" (prosecution, protection and prevention), prosecution is currently a lower priority in Taiwan since it already has heavy penalties for sex crimes against minors and servitude. She noted that she is currently working on protection and has proposed an amendment to Taiwan's Immigration Law. Prevention, Hsiao explained, is a major challenge for Taiwan since it involves an international cooperation and the majority of victims come from the PRC. She noted that due to Taiwan's Special Laws, victims from Mainland China encounter special "citizenship" problems, since a mainland Chinese is treated somewhere between a citizen and a foreigner. Hsiao said that although there are 3 proposals currently under discussion on this topic, there is no agreement with local NGOs on what an anti-human trafficking bill should incorporate. Due to LY "inefficiency and gridlock", she explained, an anti-trafficking bill would be difficult to get passed. Hsiao told the conference that she feels "alone" in the LY, where human trafficking is not a top priority. Noting that usually she does not appreciate "foreign pressure" on Taiwan, Hsiao said in the area of human trafficking it is helpful, and emphasized her pride that Taiwan has been responsive.

Identification of Probable Human Trafficking Victims

19. Explaining that most trafficking victims in Taiwan come from the PRC, Taiwan National Police Administration Director-General Hsieh Ing-dan outlined areas where Taiwan needs to improve, including: strengthening government relations with NGOs, providing humanitarian assistance to victims, collaborating more closely with Southeast Asian neighbors, improving local shelters by adding counseling and recreational facilities, and improving differentiation between victims and culprits. Hsieh indicated that Taiwan has been strict regarding immigration laws but will focus on the investigation phase of human trafficking cases and try to obtain clearer details of the chain of events.

Comment

10. Conference participants agreed that human trafficking is a global issue requiring NGO and local government cooperation within Taiwan and within the Southeast Asia region. Taiwan appears to be working to come to grips with its human trafficking problem as both a source country and a receiving country, particularly in terms of PRC victims. Local authorities admitted that Taiwan is in need of concrete anti-trafficking legislation. Local authorities and NGOs both agreed that they should cooperate more closely,

particular on identifying victims. Local and international NGO attendees, aware of and sensitive to the cross-Strait issues, expressed their hope that the Taiwan authorities will focus on short-term actions that will help address this growing problem, including setting up an inter-ministerial Anti-Human Trafficking Committee, and strengthening and enforcing existing laws.

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